

EXHIBIT 1



David Schoen <schoenlawfirm@gmail.com>

Briefing schedule

David Schoen <schoenlawfirm@gmail.com>

Thu, Jun 5, 2025 at 7:35 PM

To: Bina Ahmad <bahmad@hadsellstormer.com>

Cc: "bornsteins@gtlaw.com" <bornsteins@gtlaw.com>, "edlinr@gtlaw.com" <EDLINR@gtlaw.com>, "jtorchinsky@HoltzmanVogel.com" <jtorchinsky@holtzmanvogel.com>, "Lauren@njaclaw.org" <Lauren@njaclaw.org>, "sgreene@holtzmanvogel.com" <sgreene@holtzmanvogel.com>, Jonathan Wallace <Jonathan.wallace80@gmail.com>, "jpace@jpacelaw.com" <jpace@jpacelaw.com>, Amy Greer <agreer@dratellewis.com>, "Joshua L. Dratel" <jdratel@dratellewis.com>, "cpoirot.law@gmail.com" <cpoirot.law@gmail.com>, Dan Stormer <dstormer@hadsellstormer.com>, Hanna Chandoo <hchandoo@hadsellstormer.com>, Juan Aviles <javiles@hadsellstormer.com>, Tami Galindo <tgalingo@hadsellstormer.com>

Bcc: Simon Schoen <simon@schoenlawfirm.com>, David Schoen <Schoenlawfirm@gmail.com>, Erielle Davidson <edavidson@holtzmanvogel.com>

Counsel:

We have discussed it among ourselves. Take the extra week, with the time frames for the response and reply running from that date. We intend to remain true to the professional principles that have guided our approach to litigation during our careers no matter what approach opposing counsel choose to take.

David I. Schoen
Schoen Law Firm, LLC
2800 Zelda Road, Suite 100-6
Montgomery, Alabama 36106
917-941-7952
Cell: 917-941-7952
Schoenlawfirm@gmail.com
DSchoen593@aol.com
David@Schoenlawfirm.com
www.schoenlawfirm.com

On Thu, Jun 5, 2025 at 6:57 PM David Schoen <schoenlawfirm@gmail.com> wrote:

Counsel, we will discuss the matter among ourselves and let you know our position. We certainly understood what your position is. I had asked whether you have any authority to support your position and your unilateral announcement (rather than requesting our consent).

The fact of the matter is, the law would appear to be quite clear that when an Amended Complaint is filed as of right under Rule 15(a)(1) and the Clerk errs by entering a deficiency notice, the Amended Complaint is deemed timely filed on the date it was filed nevertheless. The Second, Seventh, and Ninth Circuits are perhaps most clear on this point. It arises from the principle that the district court has no discretion to refuse to accept a timely filed Amended Complaint, filed under Rule 15(a)(1).

Additionally, of course, you certainly understood that we had the right to file the Amended Complaint and entered into a scheduling agreement accordingly and asked the Court to sign off on it. You were timely served with the Amended Complaint on May 29th as scheduled and will have the full 14 days from that date allotted under the rules and to which you agreed. Indeed, we offered you an additional day at the time, but you stuck with your 14 days. There is nothing about the Clerk's deficiency notice that in any way handicapped you from preparing your response and, of course, you had the prior months to work on it as well, with no major substantive changes in the Amended Complaint that should cost you a great deal more time.

It would seem that if you had some question as to whether an Amended Complaint had been filed, you would have timely filed your Motion to Dismiss or Answer to the original Complaint on May 30th, when it was due absent an Amended Complaint.

Finally, one might have thought that, especially on the day on which the remains of client's parents were finally recovered, after their brutal murder and after their remains have been held hostage for 608 days, basic

personal/professional courtesy might have dictated at least asking for our consent to the extension of time you seek, rather than making a unilateral assertion, exploiting an error by the Clerk's office.

We will let you know our position by tomorrow.

David I. Schoen
Schoen Law Firm, LLC
2800 Zelda Road, Suite 100-6
Montgomery, Alabama 36106
917-941-7952
Cell: 917-941-7952
Schoenlawfirm@gmail.com
DSchoen593@aol.com
David@Schoenlawfirm.com
www.schoenlawfirm.com

On Thu, Jun 5, 2025 at 6:00 PM Bina Ahmad <bahmad@hadsellstormal.com> wrote:

Counsel, it is our position that the operative pleading was in limbo given the deficiency notice, and this limbo status was not resolved until today. If the 14-day clock runs starting today, this would move the briefing schedule by only a week. If you prefer, we can file another letter motion to the court stating this is our understanding and what we believe is the new briefing schedule. It would not need to be a joint letter, and you could give us your position on whether you oppose or not. Please let us know if you would prefer we file a letter motion and what your position is.

Sincerely,

Bina Ahmad

Bina Ahmad
Associate Attorney
Hadsell Stormer Renick & Dai LLP
128 N Fair Oaks Ave
Pasadena, CA 91103
T (626) 585-9600
F (626) 577-7079
bahmad@hadsellstormal.com
Pronouns: she, her, hers



NOTICE: This electronic mail transmission—and any attachments—contains privileged and confidential information. This information is intended solely for use by the recipients identified in the “To,” “Cc,” and “Bcc” fields. If you are not an intended recipient, please note that any disclosure, copying, distribution, or use of the contents of this transmission is prohibited. If you have received this transmission in error, please immediately delete it and notify the sender.

From: David Schoen <schoenlawfirm@gmail.com>
Sent: Thursday, June 5, 2025 1:40 PM

To: Bina Ahmad <bahmad@hadsellstormer.com>
Cc: bornsteins@gtlaw.com <bornsteins@gtlaw.com>; edlinr@gtlaw.com <EDLINR@gtlaw.com>; jtorchinsky@HoltzmanVogel.com <jtorchinsky@holtzmanvogel.com>; Lauren@njaclaw.org <Lauren@njaclaw.org>; sgreene@holtzmanvogel.com <sgreene@holtzmanvogel.com>; Jonathan Wallace <Jonathan.wallace80@gmail.com>; jpace@jpacelaw.com <jpace@jpacelaw.com>; Amy Greer <agreer@dratellewis.com>; Joshua L. Dratel <jdratel@dratellewis.com>; cpoirot.law@gmail.com <cpoirot.law@gmail.com>; Dan Stormer <dstormer@hadsellstormer.com>; Hanna Chandoo <hchandoo@hadsellstormer.com>; Juan Aviles <javiles@hadsellstormer.com>; Tami Galindo <tgalingo@hadsellstormer.com>
Subject: Re: Briefing schedule

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Counsel, do you have some authority for this proposition? There was no requirement that the Court "accept" the Amended Complaint. The deficiency notice reflects an administrative error and misunderstanding of Rule 15(a)(1). The Court merely corrected that error. Indeed, there is no discretion to refuse to accept an Amended Complaint under these circumstances. Nothing about the Court's action affected the date the Amended Complaint was filed as of right and we have a briefing schedule in place that was agreed upon and signed off on by the Court.

It is not our practice to make an agreement, have a court order adopting it, and then just unilaterally announce a deviation from that to opposing counsel.

If you have some authority for your position please provide it and we will take a look right away.

David I. Schoen
Schoen Law Firm, LLC
2800 Zelda Road, Suite 100-6
Montgomery, Alabama 36106
917-941-7952
Cell: 917-941-7952
Schoenlawfirm@gmail.com
DSchoen593@aol.com
David@Schoenlawfirm.com
www.schoenlawfirm.com

On Thu, Jun 5, 2025 at 4:28 PM Bina Ahmad <bahmad@hadsellstormer.com> wrote:

Counsel,

We understand that the Court accepted your amended complaint for filing today. Thus our 14-day deadline for responsive motions starts today, so they are now due on June 19th. We do not believe an amended briefing schedule is required.

Sincerely,
Bina Ahmad

Bina Ahmad
Associate Attorney
Hadsell Stormer Renick & Dai LLP
128 N Fair Oaks Ave
Pasadena, CA 91103
T (626) 585-9600
F (626) 577-7079
bahmad@hadsellstormer.com
Pronouns: she, her, hers



NOTICE: This electronic mail transmission—and any attachments—contains privileged and confidential information. This information is intended solely for use by the recipients identified in the “To,” “Cc,” and “Bcc” fields. If you are not an intended recipient, please note that any disclosure, copying, distribution, or use of the contents of this transmission is prohibited. If you have received this transmission in error, please immediately delete it and notify the sender.

This email has been scanned for spam & viruses. If you believe this email should have been stopped by our filters, [click here](#) to report it.